REMARKS

Claims 1-17 and 30 are pending in this application. Claims 5, 8, 9 and 12-14 are withdrawn from consideration. By this Amendment, claims 1, 2 and 4 are amended to distinguish over EP '593. No new matter is added by this Amendment.

The courtesies extended to Applicant's representative by Examiner King at the interview held December 20, 2005, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

I. Rejection Under 35 U.S.C. §102(b)

Claims 1-4, 6-7, 10-11, 15-17 and 30 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by EP 0 950 593 ("EP '593). This rejection is respectfully traversed.

The Patent Office alleges that EP '593 teaches all of the limitations recited in the present claims. Specifically, the Patent Office alleges that Fig. 22 of EP '593 shows the power operated hydraulic source, a manually operable brake operating member, a master cylinder, and a flow-rate changing device, as required in claims 1, 2 and 4. Applicant respectfully disagrees.

The assisting device 81 in the embodiment of Fig. 1 of EP '593 is not a flow-rate changing device recited in claims 1, 2 and 4, because assisting device 81 is provided to boost the drive force to be applied to the piston 32 of the master cylinder 12. Assisting device 81 is not provided to change the first rate of flow of the fluid from the master cylinder 12 into the brake cylinder 14, 16, 18, 20 with respect to the second rate of flow of the fluid into the master cylinder, as required in claims 1, 2 and 4.

In EP '593, the pressurized fluid supplied from the pump 70 (accumulator 72) is delivered to the assisting pressure chamber 100, but is not delivered into the master cylinder

12 during a normal braking operation, since the shut-off valve 108 is closed during an operation of the brake operating member 10. See paragraph 0024 of EP '593. The assisting device 81 is not provided for selective delivery of the pressurized fluid from the pump 70 into the assisting chamber 100 or master cylinder 12 (pressurizing chamber 30, 32).

Applicant further submits that the assisting device 81 in the embodiment of Fig. 15 of EP '593, wherein assisting chamber 224 of the master cylinder 12 corresponds to the assisting chamber 100 in the embodiment of Fig. 1, is not provided for selective delivery of the fluid into the assisting chamber 224 or pressurizing chamber 222 of the master cylinder 12.

The Patent Office relies upon Figs. 22 and 23 of EP '593 as allegedly teaching all of the limitations recited in the present claims. Applicant respectfully disagrees. The assisting drive force control device 538 is not provided to change the relationship between the first rate of flow of the fluid from the master cylinder 500 into the brake cylinder and the second rate of flow of the fluid into the master cylinder, since the device 538 is not arranged for selective delivery of the fluid from the pump 70 into the assisting pressure chamber 512 or the pressurizing chamber 508, 510, during a normal braking operation in which the shut-off valve 546 is held closed as indicated in Fig. 23. Although the shut-off valve 546 is opened to deliver the pressurizing fluid into the pressurizing chamber 508, this delivery takes place in the automatic braking operation, but does not take place in the normal braking operation. See paragraph 0154, lines 1-6 of EP '593.

Clearly, EP '593 does not teach or suggest the features recited in claims 1, 2 and 4. Specifically, EP '593 does not teach or suggest that the flow-rate changing device is operable to change the relationship between the first and second rates of flow (the rate of flow of the fluid from the master cylinder into the brake cylinder with respect to the rate of flow of the fluid from the master cylinder) during the normal braking operation, as required in claims 1, 2 and 4.

Moreover, EP '593 fails to teach or suggest the selective delivery of the pressurized fluid from the pump 70 (accumulator 72) into the pressurizing chamber 30, 32, 222, 508, or assisting chamber 100, 224, 512. The Patent Office alleges that this argument is not commensurate in scope with the limitations of claim 1. However, this argument details why EP '593 fails to teach the recited flow-rate changing device operable to change the relationship between the first and second rates during the normal braking operation, and clearly is commensurate in scope with the claims.

Specifically, if the embodiment of Figs. 22 and 23 of EP '593, for example, were arranged such that the pressurized fluid supplied from the pump 70 is selectively delivered through the valve 550 to the assisting chamber 512 having a relatively small pressure-receiving surface area, or delivered through the valve 546 to the pressurizing chamber 508 having a relatively large pressure-receiving surface area, the relationship between the first and second rates of flow (the rate of flow of the fluid from the master cylinder 500 into the brake cylinder with respect to the rate of flow of the fluid into the master cylinder 500) would be changed as recited in claims 1, 2 and 4. However, the embodiment of Figs. 22 and 23 relied upon by the Patent Office as allegedly teaching the present claims is arranged to inhibit the delivery of the pressurized fluid into the pressurizing chamber 508 during the normal braking operation because the shut-off valve 546 is closed in the normal braking operation as indicated in Fig. 23.

Thus, as discussed in detail during the December 20, 2005 interview, Applicant submits that EP '593 does not teach or suggest the flow-rate changing device recited in claims 1, 2 and 4.

For the foregoing reasons, Applicant submits that EP '593 does not teach or suggest all of the features recited in claims 1-4, 6-7, 10-11, 15-17 and 30. Reconsideration and withdrawal of the rejection are thus respectfully requested.

II. Rejoinder

Claims 5, 8, 9 and 12-14 are currently withdrawn from consideration. However, as these claims depend from claim 1, rejoinder is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-17 and 30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

Liana Levin

James A. Oliff
Registration No. 27,075

Leana Levin
Registration No. 51,939

JAO:LL/tlp

Date: December 23, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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